

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER DOZEMAN
COUNCIL BILL NO. 19
ORDINANCE NO. 1773
Series of 2023**

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 4735 KIPLING STREET FROM COMMERCIAL-ONE (C-1) TO MIXED USE-COMMERCIAL INTERSTATE (MU-C INTERSTATE) (CASE NO. WZ-23-05)

WHEREAS, Chapter 26 of the Wheat Ridge Code of Laws establishes procedures for the City’s review and approval of requests for land use cases; and,

WHEREAS, Ville 4735, LLC. has submitted a land use application for approval of a zone change to the Mixed Use-Commercial Interstate (MU-C Interstate) zone district for property located at 4735 Kipling Street; and,

WHEREAS, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*— which specifically designates the area surrounding the I-70 and Kipling interchange, including the subject site, as a priority area for infill and high-quality redevelopment; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on July 20, 2023, and voted to recommend approval of rezoning the property to Mixed Use-Commercial Interstate (MU-C Interstate).

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Upon application by Ville 4735, LLC. for approval of a zone change ordinance from Commercial-One (C-1) to Mixed Use-Commercial Interstate (MU-C Interstate) for property located at 4735 Kipling Street, and pursuant to the findings made based on testimony and evidence presented at a public hearing before the Wheat Ridge City Council, a zone change is approved for the following described land:

PARCEL A:

THE SOUTH 134.0 FEET OF THE NORTH 7.5 ACRES OF THE E 1/2 OF THE E 1/2 OF THE NE 1/4 OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, EXCEPT THE EAST 45 FEET THEREOF.

ALSO, MORE PARTICULARLY DESCRIBED AS THE SOUTH 134 FEET OF THE NORTH 491.4 FEET OF THE E 1/2 OF THE E 1/2 OF THE NE 1/4 OF SAID SECTION 21, EXCEPT THE EAST 45 FEET THEREOF,

AND FURTHER EXCEPTING THAT PORTION THEREOF DESCRIBED IN THE DEED TO CHEVRON OIL COMPANY RECORDED APRIL 12, 1971 IN BOOK 2251 AT PAGE 87, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER, SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 357.40 FEET; THENCE AT AN ANGLE TO THE RIGHT OF 89 DEGREES 36 MINUTES, 45 FEET AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 21 TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING WESTERLY AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 21, 174.75 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE EAST LINE OF SECTION 21, 181.60 FEET; THENCE EASTERLY AND PARALLEL WITH THE NORTH LINE OF SECTION 21, 174.75 FEET; THENCE NORTHERLY AND PARALLEL WITH THE EAST LINE OF SECTION 21, 181.60 FEET TO THE TRUE POINT OF BEGINNING,

COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL B:

A TRACT OF LAND IN THE E 1/2 OF THE E 1/2 OF THE NE 1/4 OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 491.40 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 21 AND 45 FEET WEST OF THE EAST LINE OF SAID SECTION 21, SAID POINT BEING ON THE SOUTH LINE OF THE NORTH 7.5 ACRES OF THE E 1/2 OF THE E 1/2 OF THE NE 1/4 OF SAID SECTION 21; THENCE SOUTH AND PARALLEL WITH THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 47.6 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID SECTION 21, A DISTANCE OF 5.0 FEET; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 124.3 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID SECTION 21, A DISTANCE OF 614.54 FEET, MORE OR LESS, TO THE WEST LINE OF THE E 1/2 OF THE E 1/2 OF THE NE 1/4 OF SAID SECTION 21; THENCE NORTH ALONG SAID WEST LINE, A DISTANCE OF 171.90 FEET TO THE SOUTH LINE OF THE NORTH 7.5 ACRES OF THE E 1/2 OF THE E 1/2 OF THE NE 1/4 OF SAID SECTION 21; THENCE EAST ALONG SAID SOUTH LINE, A DISTANCE OF 619.65 FEET, MORE OR LESS, TO THE POINT OF BEGINNING,

EXCEPT THAT PORTION THEREOF DESCRIBED IN THE DEED TO CHEVRON OIL COMPANY RECORDED APRIL 12, 1971, IN BOOK 2251 AT PAGE 87, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN; THENCE

SOUTHERLY ALONG THE EAST LINE OF SAID SECTION, 357.40 FEET; THENCE AT AN ANGLE TO THE RIGHT OF 89 DEGREES 36 MINUTES, 45 FEET AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 21 TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING WESTERLY AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 21, 174.75 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE EAST LINE OF SECTION 21, 181.60 FEET; THENCE EASTERLY AND PARALLEL WITH THE NORTH LINE OF SECTION 21, 174.75 FEET; THENCE NORTHERLY AND PARALLEL WITH THE EAST LINE OF SECTION 21, 181.60 FEET TO THE TRUE POINT OF BEGINNING,

AND FURTHER EXCEPTING THAT PORTION THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION; 539.00 FEET; THENCE AT AN ANGLE TO THE RIGHT 89 DEGREES 36 MINUTES WEST, A DISTANCE OF 50.00 FEET AND PARALLEL WITH THE NORTH LINE OF SECTION 21 TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING WESTERLY AND PARALLEL WITH SAID NORTH LINE OF SECTION 21, A DISTANCE OF 169.75 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE EAST LINE OF SECTION 21, A DISTANCE OF 124.30 FEET; THENCE EASTERLY AND PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 169.75 FEET; THENCE NORTHERLY AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 124.30 FEET TO THE TRUE POINT OF BEGINNING,

COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL C:

THE NORTHERLY 20 FEET OF THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT THE NE CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION, 539.00 FEET; THENCE AT AN ANGLE TO THE RIGHT OF 89 DEGREES 36 MINUTES WEST, A DISTANCE OF 50.00 FEET AND PARALLEL WITH THE NORTH LINE OF SECTION 21 TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING WESTERLY AND PARALLEL WITH SAID NORTH LINE OF SECTION 21, A DISTANCE OF 169.75 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE EAST LINE OF SECTION 21, 1 DISTANCE OF 124.30 FEET; THENCE EASTERLY AND PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 169.75 FEET; THENCE NORTHERLY AND PARALLEL WITH SAID EAST LINE A DISTANCE OF 124.30 FEET TO THE TRUE POINT OF BEGINNING,

COUNTY OF JEFFERSON, STATE OF COLORADO.

Section 2. Vested Property Rights. Approval of this zone change does not create a vested property right. Vested property rights may only arise and accrue pursuant to the provisions of Section 26-121 of the Code of Laws of the City of Wheat Ridge.

Section 3. Safety Clause. The City of Wheat Ridge hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability: Conflicting Ordinance Repealed. If any section, subsection, or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect 15 days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 14th day of August 2023, ordered it published by title and in full on the City's website as provided by the Home Rule Charter, and with Public Hearing and consideration on final passage set for **Monday, September 11, 2023, at 6:30 p.m.**, as a virtual meeting and in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.


READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 6 to 0, this 11th day of September 2023.

SIGNED by the Mayor on this 12th day of September 2023.



Bud Starker, Mayor

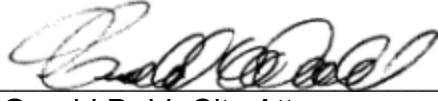
ATTEST:



Stephen Kirkpatrick, City Clerk



Approved as to Form:

A handwritten signature in black ink, appearing to read "Gerald Dahl", written over a horizontal line.

Gerald Dahl, City Attorney

1st publication: August 17, 2023
2nd publication: September 12, 2023
Jeffco Transcript:
Effective Date: September 27, 2023